

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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United States, :
:
vs. : No. 22-cr-352 (JSR)
Anthony MCGEE, Kaheen SMALL, Damon :
DORE, Rahmiek LACEWELL, et al. :
:
Defendants.

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**DECLARATION OF GLEN A. KOPP IN SUPPORT OF
DEFENDANTS ANTHONY MCGEE, KAHEEN SMALL, DAMON DORE, AND
RAHMIEK LACEWELL'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF GANG
AFFILIATION**

I, GLEN A. KOPP, pursuant to 28 U.S.C. § 1746, declare the following under penalty of perjury:

1. I am counsel to Defendant Rahmiek Lacewell in this case. I submit this Declaration in support of Defendants Lacewell's, McGee's, Small's, and Dore's Motion *In Limine* to Exclude Evidence of Gang Affiliation.

2. The grounds for this Motion are set forth in detail in the accompanying Memorandum of Law. It is respectfully requested that the facts set forth in the Memorandum of Law be incorporated by reference in this Declaration.

3. All of the facts and circumstances described in the attached Memorandum of Law are true and accurate to the best of my knowledge based upon: (a) my personal knowledge gained through my review of the case file, my investigation, and investigations conducted at my request; (b) relevant case law; and (c) good faith information and belief.

4. No prior application for the relief sought in this Motion has been made.
5. Attached hereto as Exhibit A is a true and correct copy of the Government's October 20, 2022 Expert Notice.
6. Attached hereto as Exhibit B is a true and correct copy of the April 9, 2021 Agent Affidavit in Support of Application for Search and Seizure Warrant, bearing Bates numbers USAO_000323 – USAO_000334, produced by the Government in these proceedings.
7. Attached hereto as Exhibit C is a true and correct copy of the November 12, 2021 Affidavit in Support of Application for Order Authorizing the Interception of Wire and Electronic Communications over Cellular Telephones, bearing Bates numbers USAO_000123 – USAO_000237, produced by the Government in these proceedings.
8. Attached hereto as Exhibit D is a true and correct copy of the transcript from the November 10, 2022 conference before the Court.
9. Attached hereto as Exhibit E is a true and correct copy of the transcript from the August 22, 2022 conference before the Court.

WHEREFORE, it is respectfully requested that the Court grants the relief sought in the Motion *in Limine* to Exclude Evidence of Gang Affiliation, and any additional relief the Court deems appropriate.

Dated: February 13, 2023

Respectfully submitted,

/s/ Glen A. Kopp
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